

# WEST NORTHAMPTONSHIRE SHADOW AUTHORITY

## SHADOW AUTHORITY MEETING

**18 August 2020**

**Report by the Interim Monitoring Officer**

<b>Report Title</b>	West Northamptonshire Shadow Authority Governance – committee appointments, constitution update and appointment of an Independent Person.
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### **1. Purpose**

1.1.1 The purpose of this report is to advise the Shadow Authority of changes to committee membership since the last meeting of the Shadow Authority, as well as some minor changes to the Shadow Authority's constitution that have been made by the Interim Monitoring Officer under the powers delegated by the Shadow Authority. The report also provides an update further to the delegation to the Interim/Appointed Monitoring Officer to make arrangements for the appointment of an Independent Person for the Shadow Authority.

### **2. Recommendations**

2.1 It is recommended that the Shadow Authority:

- a) Notes and approves the changes to committee membership set out in section 3.1;
- b) Notes and approves the updates to the Constitution that have been made by the Monitoring Officer under powers delegated by the Shadow Authority as set out in section 3.2; and
- c) Notes and approves the appointment of Mr Tom Edwards as Independent Person to the Shadow Authority, as set out in section 3.3.

### **3. Issues and Choices**

#### **3.1 Committee Membership**

3.1.1 A range of custom and practise exists among sovereign authorities in relation to in-year changes to committee membership. In the case of the Shadow Authority, the Monitoring Officer has taken the view that changes to membership expressed by group leaders on behalf of groups should be reported to the next Shadow Authority meeting.

3.1.2 There are two changes to report, both of which concern the Overview and Scrutiny Committee. These changes generally relate to the establishment of task and finish groups by the Shadow Executive on 9<sup>th</sup> June and the appointment of Shadow Councillors to those groups. It is considered good practice to separate the membership of the task and finish groups from the Overview and Scrutiny Committee in order to avoid potential conflicts. The Shadow Authority is asked to note and approve the following changes in relation to membership of the Overview and Scrutiny Committee: Councillor David Smith has replaced Councillor John Shephard. Councillor Emma Roberts has replaced Councillor Les Marriott.

### **3.2 The Constitution**

3.2.1 The Shadow Authority approved a Constitution at its inaugural meeting on 2nd June 2020. The Constitution was developed by a working group established by the West Northamptonshire Joint Committee in compliance with statutory requirements, including the Structural Changes Order establishing the Shadow Authority.

3.2.2 At the aforementioned meeting, the Shadow Authority delegated to the Interim Monitoring Officer the power to make such typographical or non-substantial amendments to the Constitution as may be necessary. A number of such amendments have been identified and these are listed below:

- a) Part 3 (Responsibility for Functions) contains an error at Paragraph 5.1 (g). Where it is stated the functions of the Shadow Council include “approving and adopting the Shadow Councillors’ Scheme of Allowances and developing the Scheme of Allowances for West Northamptonshire Council, including any pension provision for Members...” the reference to Pensions must be removed. Councillors are precluded from becoming active members of the Local Government Pension Scheme by virtue of The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
- b) Part 4 B (Shadow Executive Procedure Rules) contains a cross-referencing error. At Paragraph 5.14 it states “Questions can be submitted by members of the public at meetings of the Shadow Executive Committee in accordance with Shadow Council Procedure Rule 35 and Appendix 6 of the Shadow Council Procedure Rules”. This should read “in accordance with Shadow Council Procedure Rule 11 and Appendix 6”
- c) Part 4A contains two typing errors.
  - At Paragraph 7, the word “Press” has one “s” omitted in both the heading and in the body of subparagraph 7.1.
  - At Paragraph 18 the words “or not” have been omitted from the third line of subparagraph 18.1, which should read “...Committee whether or not they are members of that body...”
- d) Part 4D (Meeting Procedure Rules), Appendix 4 Paragraph 4 contains some words which have been struck through and should have been

omitted from the final version. The words “lead officer of the Central Implementation Team” will be removed from that Paragraph.

### **3.3 The Independent Person**

3.3.1 The Northamptonshire (Structural Changes) Order 2020 applies various legislation regarding the conduct of members to the Shadow Authority. This includes the elements of the Localism Act 2011 that require local authorities to ensure arrangements for investigating and making decisions in relation to complaints under the Code of Conduct include provision for the appointment of one or more Independent Persons.

3.4.2 For the purpose of the Shadow Authority, a person may not be appointed as an Independent Person if:

- a) they are a member or officer of the authority;
- b) they are a relative (as defined in the Act) or close friend of a person who is a member or officer of the authority;
- c) they have in the five years prior to their appointment been a member or officer of the authority.

A person may not be appointed as an Independent Person unless:

- d) the vacancy has been advertised in such a manner as the authority considers is appropriate to bring it to the attention of the public; and
- e) they have submitted an application to fill the vacancy of an Independent Person.

3.5.3 At the meeting of the Shadow Authority held on 2<sup>nd</sup> June 2020, authority was delegated to the Interim/Appointed Monitoring Officer to undertake the recruitment process to allow selection of an appropriate person(s) to the role of Independent Person.

3.3.2 Pursuant to this delegation, the Interim/Appointed Monitoring Officer arranged for the role to be advertised via the West Northamptonshire Authority communications and engagement channels, including the Shadow Authority’s website. The role was also advertised to existing Independent Persons appointed by West Northamptonshire sovereign authorities. A number of expressions of interest were received, leading to a shortlisting and interview process. The outcome of that process is that Mr Tom Edwards is to be appointed as the Independent Person for the Shadow Authority.

3.3.3 Mr Tom Edwards has considerable experience as an Independent Person and currently undertakes the same role for both Cherwell District Council and South Northamptonshire Council. He is also a member of Football Association’s Serious Case Panel (formerly the National Anti-Discrimination Chairman’s Panel). He has significant experience of complaint investigation and handling. Mr Edwards’ professional background is in Local Government in a neighbouring county, a position from which he retired in 2008.

3.3.4 In line with the requirements of the delegation to the Interim Monitoring Officer, both the Chair of the Standards Committee and the Chair of the Governance Task and Finish Group have been consulted on the appointment.

#### **4. Implications (including financial implications)**

##### **4.1 Policy**

4.1.1 The adoption of the Constitution and its proper maintenance are considered fundamental to the effective operation of the Shadow Authority.

##### **4.2 Resources and Risk**

4.2.1 None arising directly

##### **4.3 Legal**

4.3.2 The Constitution establishes a clear framework for the steps to be taken by the Shadow Authority in discharging its functions.

##### **4.4 Equality and Health**

4.4.1 None specifically.